



PROTECT PUBLIC PROTESTS, PROTEST ELITIST TALKS

Press Statement: 1st May 2023, Nairobi, Kenya

Kenya Human Rights Commission (KHRC) wishes to re-express its position on the standoff between the political elite: the regime in power and the opposition regarding the continuation of public protests slated for tomorrow and the failures of the so-called "*bi-partisan talks*". There is a positive relationship between the two issues and processes!

We wish to reiterate that Kenya is democratic and not a police or military state and therefore the President and County Commander (CC) of Nairobi have no mandate within the law to curtail fundamental rights and freedoms.

Public Order Act does not in ANY WAY give police (through the office responsible who in this case is the Officer Commanding Police Station-not even the President or CC) powers to allow or disallow public protests and gatherings.

It is also important to emphasize the fact that organizers in this context the Opposition under Article 37 of the Constitution have a moral and legal duty to ensure that their protests and other events are undertaken in a peaceful, non-violent manner and that the protestors are unarmed.

The role of the police is to support the organizers and ensure that those who break the law are apprehended and prosecuted civilly. We have had many situations where police work with organizers in civil society to develop a joint strategy for ensuring peaceful and successful protests. That only works when police don't work under the "orders from above". It's time we had a truly independent police service as opposed to a force.

Finally, it is unfortunate that this stalemate is being deepened by the failures of the political cabal to agree on the best process and forum for canvassing the key economic, social, and political governance issues affecting the country.

We continue to oppose the proposed bipartisan process which as we have earlier indicated with sector partners is a repeat of the previous elitist, minimalist, captured and compromised reforms that lack public interests and forestall opportunities for truly people-led conversations.

The current contestation should be about how to create a more inclusive process adding into the political group the core non-state-civic and corporate actors; expanding the agenda to espouse both the emerging critical and unresolved historic issues which are adequately documented. **In a nutshell, the process should be people-centric and not driven by the selfish political interests of a few individuals.**

Thus, we demand as follows:

1. Public protests that are DEVOID OF:
 - a) Any limitations by the regime in power
 - b) Violence by the police force, protest organizers and protestors.

We will be monitoring and responding to this situation closely and we also call upon the Kenya National Commission on Human Rights and the Independent Policing Oversight Authority to remain vigilant over the same.

2. Properly inclusive and pro-people talks and reforms, addressing the real issues affecting the citizenry.

Finally, we call upon the people of Kenya to zealously safeguard the Constitution and defend their civil and democratic rights and spaces against the capture by the political and state elite.